

**CESAJ-RD February 2008**  
**FACT SHEET**  
**Project Name: Coral Creek Airport Expansion**

Regulatory  
Congressional District: 13

**Project Name:** Coral Creek Airport Expansion (permittee: BK IV AS, LLC).

**Project Purpose:** To expand an existing private airport. The U.S. Army Corps of Engineers (Corps) POC is Cynthia Ovdenk, 239-334-1975.

**Past Actions:** In April 2004 BK IV AS, LLC submitted a joint Environmental Resource Permit (ERP) application to the Corps of Engineers requesting authorization to expand a private airport, to be known as "Coral Creek Airport". The Corps advertised a public notice for the proposed project on August 29, 2005. The National Marine Fisheries Service (NMFS) and the Corps of Engineers conducted a joint site visit on September 22, 2005 (during the 30 day public comment period) at which time it was found that the applicant had started construction of a water main and access road. It was determined by the Corps that the applicant discharged fill into 0.16 acre of jurisdictional saltwater marsh with full knowledge of need for a permit prior to action. A Cease and Desist Order was issued to the applicant and the file was forwarded to the Corps of Engineer's Regulatory Enforcement Section.

During the investigation into the unauthorized activity, the applicant stated that they were aware of the need for a permit prior to impacting the saltmarsh. They investigated the costs to directional drill under the wetland to avoid the impact but found the \$30,000 fee quoted to them by the directional bore contractor to be excessive. As they believed the permit was forthcoming, they began construction of the watermain and roadway through the wetland without authorization resulting in a 0.16 acre impact.

Enforcement Section recommended legal action on the grounds that the violator made a decision to impact the wetland with economic savings as a motivator. The Department of Justice supported the Corps recommendations and sued for recovery of the economic benefit (\$30,000) and a civil penalty (an additional \$35,000). The total civil penalty was \$65,000 plus the required purchase of mitigation bank credits to offset the environmental damage. The action is considered resolved.

**Issues:** The Corps believes that impacts to aquatic resources for economic gain without the benefit of a permit, adversely impacts the public interest and disrupts equity in the marketplace. As part of its mission to deter unauthorized activities, the Corps will continue to vigorously pursue such actions.